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MASSACHUSETTS DEPARTMENT OF EDUCATION

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NO PERSON SHALL BE EXCLUDED FROM OR DISCRIMINATED AGAINST IN ADMISSION TO A PUBLIC SCHOOL OF ANY TOWN, OR IN OBTAINING THE ADVANTAGES, PRIVILEGES AND COURSES OF STUDY OF SUCH PUBLIC SCHOOL ON ACCOUNT OF RACE, COLOR, SEX, RELIGION, OR NATIONAL ORIGIN (CHAPTER 622 OF THE ACTS OF 1971)

REGULATIONS

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CHAPTER 622 OF THE ACTS OF 1971

An Act to Prohibit Discrimination in Public Schools

Chapter 622 of the Acts of 1971 is now codified in the Massachusetts General Laws as Chapter 76, Section 5, and Chapter 76, Section 16. These sections state:

Chapter 76, Section 5 (as amended)

Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin.

Chapter 76, Section 16

The parent, guardian or custodian of a child refused admission to or excluded from the public schools or from the advantages, privileges and courses of study of such public schools shall on application be furnished by the school committee with a written statement of the reasons therefor, and thereafter, if the refusal to admit or exclusion was unlawful, such child may recover from the town in tort, and may examine any member of the committee or any other officer of the town, upon interrogatories.



Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity were adopted by the Massachusetts Board of Education on June 24, 1975 and became effective on September 1, 1975



The Commonwealth of Massachusetts Department of Education

1385 Hancock Street, Quincy, Massachusetts 02169

June 1986

MEMORANDUM

TO: School Committee Chairpersons
School Committee Members
Superintendents of Schools
Principals
Chapter 622/Title IX Coordinators
Other Interested Persons

In March, 1974, the state Board of Education issued advisory recommendations for the implementation of Chapter 622 of the Acts of 1971. The act states:

... No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin.

Four years after the passage into law of Chapter 622 and on the recommendations of broadly representative regional advisory committees, the state Board of Education adopted the enclosed regulations for Chapter 622 at its June 24, 1975 meeting.

Extensive consultation with interested groups across the state preceded the adoption of these regulations. The testimony from public hearings and letters provided excellent assistance in clarification and modification of the proposed regulations, resulting in the final document as adopted.

Technical assistance is available to school districts and to citizens from the Chapter 622 civil rights specialists at each regional education center of the Department.

These regulations are meant to insure equal educational opportunity for all students in Massachusetts public schools. I urge you to do all in your power to carry out the spirit and intent of Chapter 622 of the Acts of 1971 and of these regulations.

Harold Raynolds Jr.
Harold Raynolds, Jr.
Commissioner of Education

CHAPTER 622 REGULATIONS

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PURPOSE

1.00 PURPOSE AND CONSTRUCTION OF THESE REGULATIONS

- 1.01 These Regulations are promulgated to insure the right of access to the public schools of the Commonwealth and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion or national origin. These Regulations shall be liberally construed for these purposes.
- 1.02 The obligation to comply with these Regulations is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion or national origin.

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SCHOOL ADMISSIONS

2.00 SCHOOL ADMISSIONS

- 2.01 All public schools in the Commonwealth shall admit students without regard to race, color, sex, religion or national origin. This includes, but is not limited to regional vocational-technical schools, elementary, secondary, trade and selective academic high schools.
- 2.02 No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion or national origin. Written materials used by a school to recruit students shall not contain references suggesting the predominant sex of the students presently enrolled or the anticipated sex of the students to be recruited. Pictorial representation, in the aggregate, in such material shall depict students of both sexes and of minority groups. References to only one sex in the name of schools, programs or activities shall not be retained.
- 2.03 The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extra-curricular activities.
- 2.04 Any standards used as part of the admissions process, including but not limited to testing, the use of recommendations and interviewing, to any public school (as referred to in 2.01) shall not discriminate on the basis of race, color, sex, religion or national origin. Limited English-speaking ability (as defined by Chapter 71A of the General Laws) shall not be used as a deterrent to or limitation on admissions.

2.05 If admission to any school, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, is dependent upon the participation in or completion of courses or programs which were previously limited to students of one sex or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any racial, ethnic or religious group of students to participate in such programs, then such criteria must be abolished.

2.06 Nothing in these Regulations shall be construed so as to control the interpretation of or interfere with the implementation of Chapter 641 of the Acts of 1965, as amended by Chapter 636 of the Acts of 1974, providing for the elimination of racial imbalance in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

622 ADMISSION TO COURSES

3.00 ADMISSION TO COURSES OF STUDY

3.01 Each and every course of study offered by a public school shall be open and available to students regardless of race, color, sex, religion or national origin. Nothing herein shall be construed to prohibit the use of prerequisite requirements that have been demonstrated to be essential to success in a given program. However, if participation in a course or program is dependent upon completion of a prerequisite which was previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any class of students to participate in such prerequisites, then all members of the previously excluded group shall be given the opportunity to acquire the prerequisites or be allowed to enter the program without such prerequisites. If it cannot be shown that a prerequisite is essential for success in a given program, the prerequisite shall be abolished.

3.02 The determination of what courses or units of study are to be required of any student shall also be made without regard to the race, color, sex, national origin or religion of that student.

3.03 The scheduling of students into courses or units of study shall not be done on the basis of sex, color, race, religion or national origin.

3.04 Each student, regardless of race, color, sex, national origin, religion or limited English-speaking ability, shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he or she resides, along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs.

3.05 Nothing in section 3.00 shall be construed to prevent particular segments of a program of instruction from being offered separately to each sex when necessary in order to respect personal privacy.

4.00 GUIDANCE

- 4.01 Guidance Counsellors and other personnel shall represent to the students a broad spectrum of education and career opportunities. Race, color, sex, national origin and religion shall not be considered as limiting factors in career determination.
- 4.02 "Career Day" programs and other occupational information shall include representatives of both sexes and of minority group members in a broad variety of occupational roles. Schools shall not permit materials, including pictorial representations, to be used to recruit students for employment, including training, that contain a preference for individuals of a particular race, color, sex, religion or national origin. Any pictorial representation in such materials, in the aggregate, shall depict members of both sexes and of minority groups.
- 4.03 No materials or tests shall be employed for guidance purposes which discriminate and/or limit choices on the basis of race, color, sex, religion or national origin.

5.00 CURRICULA

- 5.01 The curricula of all public school systems shall present in fair perspective the culture, history, activities and contributions of persons and groups of different races, nationalities, sexes and colors.
- 5.02 All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping. Appropriate activities, discussions and/or supplementary materials shall be used to counteract the stereotypes depicted in such materials.
- 5.03 School books, instructional and educational materials purchased after the date of these regulations shall, in the aggregate, include characterizations and situations which depict individuals of both sexes and of minority groups in a broad variety of positive roles.
- 5.04 Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.

CURRICULA ACTIVITIES

6.00 EXTRA-CURRICULAR ACTIVITIES

6.01 Advantages and privileges of public schools include all extra-curricular activities made available, sponsored or supervised by any public school. No school shall sponsor or participate in the organization of outside extra-curricular activities conducted at such school which restrict student participation on the basis of race, color, sex, religion or national origin. This regulation does not prohibit school committees from allowing use of school premises by independent groups with restrictive membership.

6.02 No student shall be denied the opportunity in any implied or explicit manner to participate in an extra-curricular activity because of the race, color, sex, religion or national origin of the student except as provided in section 6.07.

6.03 (Deleted)

6.04 Each school system shall provide a fair distribution of athletic expenditures. Each school within such system shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports. Factors considered in determining equal opportunity shall include budgetary allocations, the proportion of male and female students in the student body, the number and nature of activities offered, levels of competition, equipment (including rate of replacement), supplies, awards, uniforms, facilities, scheduling of games and practice times, travel opportunities and allowances, opportunities to receive equitable coaching and instruction at each level of competition and the availability of services such as medical and insurance coverage, publicity, clerical and administrative staff, scouting services and audio-visual aids.

6.05 In developing its athletic program, a school shall be required to demonstrate good faith by taking into account determined student interest.

6.06 In order to insure fair distribution of athletic expenditures as defined in section 6.04, each school shall indicate in the budget that is reviewed by the school committee the anticipated expenditure for each interscholastic and intramural athletic activity and the anticipated student participation in that activity by number and sex.

6.07 A school may establish separate teams for males and females for interscholastic and intramural competition in a particular sport, provided that the requirements of section 6.08 are satisfied.

6.08 Teams comprised primarily or solely of persons of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment and opportunities to practice and compete as teams engaged in a similar activity comprised primarily or solely of persons of the opposite sex.

6.09 Participation in extra-curricular activities shall be actively encouraged by each school for both boys and girls and for racial and ethnic minorities. When offering extra-curricular programs, schools shall take into consideration the ethnic traditions of the student body. Criteria not related to skill levels which act to exclude members of one sex or any racial, religious or ethnic group represented in the school from participation in specific athletic or other extra-curricular activities cannot be permitted.

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FACILITIES

7.00 FACILITIES

7.01 Every new school which is to be constructed and every addition to an existing school or program for modernization of an existing school shall be designed or planned so as to ensure that the educational opportunities to be offered within that school following its construction or expansion or reconstruction will be available equally to all students thereof without regard to the race, color, sex, religion or national origin of any such student.

7.02 The goal of each school shall be to provide equal numbers of males and females with those facilities and conveniences within a school which are separated for reasons of privacy, e.g., showers, locker rooms, changing rooms, toilets and lavatories. Any school to be constructed shall make such provision and any plan for the expansion or modernization of an existing school shall include whatever provision is necessary in order to achieve compliance with this section.

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ACTIVE EFFORTS

8.00 ACTIVE EFFORTS

8.01 The school committee of each school district shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to insure that all obstacles to equal access to school programs for all person regardless of race, sex, color, national origin, religion or limited English-speaking ability, no matter how subtle or unintended, are removed. Such policies shall include a requirement for an annual evaluation of all aspects of the K-12 school program to insure that all students regardless of race, color, sex, religion or national origin are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered

by the school including athletics and other extra-curricular activities. Special attention shall be given in this examination to schools and programs in which students of either sex or of racial or national origin groups present in the community are markedly under-represented.

8.02 If participation in any school sponsored program or activity has previously been limited to students based on race, color, sex, national origin or religion, then the school committee shall make active efforts to insure that equal access to all school sponsored programs or activities be provided within the system.

8.03 It shall be the responsibility of the school committee and the superintendent to provide necessary information and in-service training for all school personnel in order to:

- advance means of achieving educational goals in a manner free from discrimination on account of race, color, sex, religion or national origin.
- enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior which may occur in the public schools.

8.04 The superintendent, as an agent of the school committee, shall promote and direct effective procedures for the full implementation of these regulations, and shall make recommendations to the committee for the necessary policies, program changes and budget resource allocations needed to achieve adherence to these regulations.

8.05 At the beginning of the school year, the superintendent of each school system shall be responsible for sending to the parents of all school age children, in their primary language, a notice of the existence of Chapter 622 and its implications. Such notice shall include the information that all courses of study, extra-curricular activities, and services offered by the school are available without regard to race, color, sex, religion or national origin. This notice may be included with other communications sent to parents by the school system. Upon request, the Department of Education shall provide a translation in requested languages to assist superintendents in complying with this section. The superintendent shall inform the community of the existence of the law and of its implications through newspaper releases or radio or television announcements.

8.06 The superintendent shall ensure that all students are annually informed in a manner certain to reach them of the existence of Chapter 622 and its implications. Students shall be informed that all courses of study, extra-curricular activities, services, and facilities offered by the school are available without regard to race, color, sex, religion or national origin.

8.07 The superintendent of each school system shall make certain that employers who recruit new employees in and through the schools of that district, do not discriminate on account of race, color, sex, religion or national origin in their hiring and recruitment practices within the schools. Before any employer is allowed to recruit at or through any school, the employer shall be required to sign a statement that he/she does not discriminate in hiring or employment practices on account of race, color, sex, religion or national origin.

8.08 Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy making committees, to the extent consistent with their contractual obligations, without regard to race, color, sex, religion or national origin.

- 8.09 Adults serving on athletic regulatory boards shall fairly represent the interest of both male and female students.
- 8.10 Because selective secondary schools have had atypical student bodies in the past, such selective secondary schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school. After the period for application to the school has closed, if it is found that qualified applicants of one of the above classes have not applied in numbers sufficient to maintain this proportion, qualified students of the other categories may be selected to fill the remaining openings.
- 8.11 Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school made after the effective date of these Regulations by any person, group or organization shall be free from any restrictions based upon race, color, sex, religion or national origin.
- 8.12 The opportunity to receive guidance and counselling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

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9.00 COMPLAINT PROCEDURE

- 9.01 A parent, guardian or other person or group who believes that c. 76, s. 5 of the General Laws or these Regulations has been or is being violated, may request a written statement of the reasons therefor from the responsible School Committee through the superintendent and may submit a copy of such request to the Bureau of Equal Educational Opportunity of the Department of Education. If such request is made, a copy of such request shall be sent by the School Committee to the Bureau of Equal Educational Opportunity. *
- 9.02 The School Committee shall respond promptly, but no later than 30 days, in writing to the complaining party. The School Committee shall also send a copy of its response to the Bureau of Equal Educational Opportunity. *
- 9.03 The Bureau of Equal Educational Opportunity shall act as the representative of the Board of Education for the purpose of receiving complaints pursuant to these Regulations.*
- 9.04 The Bureau of Equal Educational Opportunity shall, pursuant to a complaint received under section 9.01 or on its own initiative, conduct reviews to insure compliance with c. 76, s. 5 and these Regulations. The School Committee and the specific school(s) involved shall cooperate to the fullest extent with such review.*

*You may also contact the Chapter 622 Specialist at your regional education center.

9.05 In the event of non-compliance with Chapter 76, s. 5 or these Regulations, the Board of Education may take such action as it sees fit, including, but not limited to, withholding of funds or referral of the matter to the Office of the Attorney General for appropriate legal action.

622 PRIVATE RIGHT OF ENFORCEMENT

10.00 PRIVATE RIGHT OF ENFORCEMENT

10.01 Nothing in these Regulations shall abridge or in any way limit the right of a parent, guardian or person affected to seek enforcement of Chapter 622 of the Acts of 1971 in any court or administrative agency of competent jurisdiction.

SAMPLE NOTIFICATION TO PARENTS (CONCERNING THE EXISTENCE OF CHAPTER 622 AND ITS IMPLICATIONS) FOR USE BY SUPERINTENDENTS IN COMPLYING WITH REGULATION 8.05 UNDER CHAPTER 622 OF THE ACTS OF 1971*

Dear Parent:

An important piece of legislation affecting the public schools was passed in August, 1971. This law, Chapter 622 of the General Laws, Acts of 1971, is referred to as "An Act to Prohibit Discrimination in the Public Schools." The law reads as follows:

No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin.

This law makes it clear that all aspects of public school education must be fully open and available to members of both sexes and of minority groups. No school may exclude a child from any course, activity, service or resource available in that public school on account of race, color, sex, religion or national origin of such child.

On June 24, 1975 the state Board of Education approved regulations for Chapter 622. These regulations address five areas of school policy: school admissions, admission to courses of study, guidance, course content and extra-curricular and athletic activities.

If you have any questions or concerns regarding Chapter 622 and how it affects your children, please do not hesitate to contact your local principal or my office. Copies of the law and the regulations can be obtained from the Massachusetts Department of Education, Division of Curriculum and Instruction, Chapter 622 Project, 1385 Hancock Street, Quincy, Massachusetts 02169 (617) 770-7540.

**Note to Superintendents: In accordance with regulation 8.05, this notice may be included with other communications sent to parents by your school system.*

SAMPLE ASSURANCE FORM FOR USE BY SUPERINTENDENTS IN COMPLYING WITH REGULATION 8.07 UNDER CHAPTER 622 OF THE ACTS OF 1971

Assurance of Compliance with Commonwealth of Massachusetts Regulations under Chapter 622 of the Acts of 1971 for Employers Recruiting at or through Any Public School

_____ hereby affirms
(Name of Employer Organization)

that it is in compliance with Chapter 622 of the Acts of 1971 and all requirements imposed by or pursuant to the Regulations issued by the Board of Education, in that

_____ (Name of Employer Organization)

does not discriminate in recruitment, hiring or employment practices on account of race, color, sex, religion or national origin.

_____ Dated _____
(Employer Organization)

_____ By _____
(Signature of Authorized Official)

_____ (Mailing Address and Zip Code)

_____ (Typed Name of Authorized Official)

MASSACHUSETTS DEPARTMENT OF EDUCATION REGIONAL CENTERS

For more information please contact the Chapter 622 civil rights specialist:

Central Mass. Regional Education Center
Beaman Street, Route 140
West Boylston, MA 01583
Telephone: (617) 835-6266

Greater Boston Regional Education Center
75 Acton Street
Arlington, MA 02174
Telephone: (617) 641-4870

Greater Springfield Regional Education Center
88 Massasoit Avenue
West Springfield, MA 01089
Telephone: (413) 739-7271

Northeast Regional Education Center
219 North Street
North Reading, MA 01864
Telephone: (617) 727-0600, 664-5723

Northwest Regional Education Center
Mark Hopkins Hall, Church Street
North Adams, MA 01247
Telephone: (413) 664-4511 Ext. 586

Southeast Regional Education Center
P.O. Box 29
Middleboro, MA 02346
(Lakeville State Hospital, Lakeville, MA)
Telephone: (617) 947-3240

Massachusetts Department of Education
Division of Curriculum and Instruction
Chapter 622 Project Liaison
1385 Hancock Street
Quincy, MA 02169
Telephone: (617) 770-7565

Massachusetts Department of Education
1385 Hancock Street
Quincy, Massachusetts 02169

MAIL TO:
